

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARL E. HAESE,

Appellant,

v.

No. 07cv0088 MV/RHS

PHILIP J. MONTTOYA,

Appellee.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on E.P. Bud Kirk's Motion for Admission *Pro Hac Vice* (Doc. No. 11, filed April 14, 2008, "Motion"). Mr. Kirk, a member in good standing of the bar of Texas, moves the Court to admit him to represent Appellant in this case. (*Id.*).

On March 14, 2008, the Court entered its Memorandum Opinion and Order affirming the Bankruptcy Court's denial of Appellant's motion to set aside the default judgment. (Doc. No. 10). On April 14, Mr. Kirk filed his Motion for Admission *Pro Hac Vice* and Appellant's Notice of Appeal (Doc. No. 13). The Local Rules for this District allow an attorney who is not a member of the Federal Bar to appear in an action if the attorney is a member in good standing of the bar of a state *and* associates with a member of the Federal Bar. D.N.M.LR-Civ. 83.3. Mr. Kirk has not associated with a member of the Federal Bar. (*See* Motion at 1). The Court will, therefore, **DENY** the Motion without prejudice. The Court will construe the Notice of Appeal as being filed *pro se*.

IT IS SO ORDERED.

Dated this 18th day of June, 2008.



MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE

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